

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUCAS D. BASHORE,

Defendant.

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Case No. 8:11CR421

ORDER

This case is before the court on the defendant Lucas D. Bashore's Motion for A Chemical Dependency Evaluation (#33). The defendant moves the court for an order directing Pretrial Services to obtain a chemical dependency evaluation of defendant, alleging he is experiencing emotional problems associated with chemical dependency. The defendant is currently in custody for the reasons set out in the December 22, 2011 Detention Order (#16).

After reviewing the motion and the defendant's December 22, 2011 Pretrial Services report, I find the motion should be denied. A review of the defendant's previous health history as set out in the Pretrial Services report shows the defendant completed a 28-day inpatient treatment program while involved with the Drug Court in 2003, and completed the Nebraska Department of Corrections' eight-month treatment program while incarcerated for his second felony drug conviction. As the defendant had two prior opportunities to deal with his admitted chemical dependency, I find that given his prior criminal record, substance abuse history, and failed treatments, he has failed to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED that defendant's Motion for A Chemical Dependency Evaluation (#33) is denied without hearing.

Dated this 31st day of January, 2012.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge